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# FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Fifth Committee

Rapporteur: Mr. Jorge OSELLA (Argentina)

## I. INTRODUCTION

1. At its 104th plenary meeting, on 28 May 1993, the General Assembly, on the proposal of the Secretary-General (A/47/955), decided to include in the agenda of its forty-seventh session an item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered this item at its 70th, 72nd and 76th meetings, on 25 and 27 August, and 10 September 1993.

3. For its consideration, the Committee had before it the following documents:

(a) Report of the Advisory Committee on Administrative and Budgetary Questions (A/47/980);

(b) Note by the Secretariat (A/47/1002).

4. The comments and observations made in the course of the Committee's discussion of the item and the replies to queries raised are reflected in the relevant summary records (A/C.5/47/SR.70, 72 and 76).

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/47/L.49

5. At the 76th meeting, on 10 September 1993, the representative of Argentina, following informal consultations, introduced draft resolution A/C.5/47/L.49, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

6. At the same meeting, following a statement by the representative of France, the Committee adopted draft resolution A/C.5/47/L.49 without a vote (see para. 8).

7. The representatives of the United Kingdom of Great Britain and Northern Ireland, Colombia, Japan, Brazil, Pakistan, France, Cuba, India, Uganda and Malaysia spoke in explanation of position (see A/C.5/47/SR.76).

## III. RECOMMENDATION OF THE FIFTH COMMITTEE

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Having considered Security Council resolutions 808 (1993) of 22 February 1993, on the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and 827 (1993) of 25 May 1993, by which it adopted the Statute of the International Tribunal,

Having also considered the note by the Secretariat on the International Tribunal 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Taking into account the views expressed by Member States in the Fifth Committee,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Reaffirms, in the context of Security Council resolution 827 (1993) and with respect to the financing of the International Tribunal, the role of the General Assembly as set out in Article 17 of the Charter of the United Nations, as the organ to consider and approve the budget of the Organization, as well as the apportionment of its expenses among Member States;

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1/ A/47/1002.

2/ A/47/980.

3. Expresses concern that advice given to the Security Council by the Secretariat on the nature of the financing of the International Tribunal did not respect the role of the General Assembly as set out in Article 17 of the Charter;

4. Requests the President of the General Assembly to bring to the attention of the President of the Security Council the contents of the present resolution;

5. Endorses the recommendation of the Advisory Committee on Administrative and Budgetary Questions to authorize the Secretary-General to enter into commitments in an amount not exceeding 500,000 United States dollars to provide for the immediate and urgent requirements of the International Tribunal for its initial activities;

6. Requests the Secretary-General to present, during the forty-eighth session of the General Assembly and before 31 December 1993, detailed cost estimates for the International Tribunal, separate from the proposed regular budget for the biennium 1994-1995, to be financed by assessed contributions and, pending a final decision on the manner of the apportionment of the expenses of the International Tribunal, to finance its activities through a separate account outside the regular budget;

7. Invites Member States and other interested parties to make voluntary contributions to the International Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General;

8. Decides to include in the agenda of its forty-eighth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

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